

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 30, 2009

No. 08-50717
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ANGELICA MARIE GARCIA

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:08-CR-16-2

Before JONES, Chief Judge, and JOLLY and ELROD, Circuit Judges.

PER CURIAM:*

Angelica Marie Garcia pleaded guilty to aiding and abetting possession of marijuana with intent to distribute and has appealed her sentence. Garcia contends that the district court erred in failing to reduce her offense level by two levels pursuant to U.S. Sentencing Guidelines Manual (U.S.S.G.) § 2D1.1(b)(11) (2007) because she met the criteria set forth in subdivisions (1) through (5) of U.S.S.G. § 5C1.2(a), the safety valve provision. Garcia has not carried her

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

burden of showing that she has truthfully provided to the Government all of the information and evidence she has concerning the offense. *See United States v. Flanagan*, 80 F.3d 143, 146-47 (5th Cir. 1996); *see also* U.S.S.G. § 5C1.2(a)(5).

AFFIRMED.